

FILED
at Santa Fe, NM

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MAY 18 2005

STATE OF NEW MEXICO *ex rel.*
State Engineer.

Plaintiff,
v.

RAMON ARAGON, *et al.*

Defendants.

**MATTHEW J. DYKMAN
CLERK**

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Cañones Creek, Section 7
Subfile No.: CHCC-003-0011

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

PATRICK D. MARTINEZ
ROSE L. MARTINEZ

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Cañones Creek, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Cañones Creek, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No(s) 02566 and 966

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: BARRANCO DITCH

Location: X= 1,544,827 feet Y= 2,109,686 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	1.2 acres
Total	1.2 acres

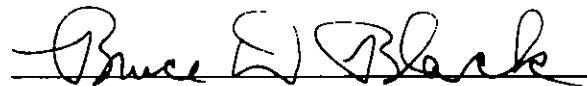
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCC-003-0011

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Cañones Creek, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

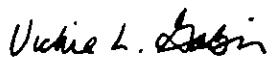
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Cañones Creek, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

SIGNATURE Rose L Martinez
ROSE L. MARTINEZ
ADDRESS: P.O. Box 404
Gaceta, NM
87556
DATE: 2-18-05

SIGNATURE Patrick D. Martinez
PATRICK D. MARTINEZ
ADDRESS: P.O. Box 404
Gaceta, NM
87556
DATE: 02/18/05

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

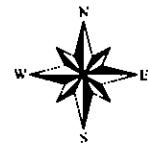
2-25-05
Date



LEGEND

- [White Box] Irrigated Tract Boundary
- [Black Box with White Dots] No Right Tract Boundary
- [Solid Black Box] Seeped Land
- [Solid Black Box with White Arrow] Operable Ditch / Lateral
- [Solid Black Box with White Dashed Line] Inoperable Ditch / Lateral
- [Solid Black Box with White Line] Reservoir / Stock Pond

- [Circle with dot] Point of Diversion
- [Circle with 'F'] Fallow
- [Circle with 'NR'] No Right



1 inch = 200 feet
0 100 200
Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Canones Creek Section

Subfile Number
CHCC 003-0011
Barranco Ditch
AMENDED
January 13, 2005

